

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Teran, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	13 CV 6509
v.)	
)	
Village of Wheeling,)	Honorable Judge Amy J. St. Eve
)	
Defendant.)	

SUPPLEMENT TO MOTION TO STAY

NOW COMES the Village of Wheeling, by and through its attorneys Klein, Thorpe & Jenkins, Ltd., and in supplement and support of its request that the Court decline to exercise jurisdiction over the complaint or stay this matter pursuant to *Younger* and/or *Colorado River*, states as follows:

1. The Village of Wheeling filed its *Motion to Dismiss or Stay* on February 7, 2014.¹ *Docket # 31*. The Motion included a Declaration of Gregory T. Smith setting forth the status of the pending administrative adjudications and administrative review appeals related to the Village's Municipal Code compliance efforts at the Fox Point Mobile Home Park in the wake of major flooding in April of 2013. *Docket # 31, Exhibit B*.
2. Plaintiffs responded to the Motion on April 7, 2014. *Docket # 40*.

¹ Though the Village only supplements its request for a stay herein, the Village continues to seek all of the relief prayed for in the *Motion to Dismiss or Stay* in *Docket # 31*, including dismissal of the Amended Complaint with prejudice.

3. The Village replied on May 14, 2014. *Docket #41*. The Reply included a second Declaration of Gregory T. Smith setting forth an updated status of the pending administrative adjudications and administrative review appeals thereof. *Docket # 41, Exhibit A*.

4. Since the Reply was filed, Plaintiffs have initiated several new claims against the Village outside of the case pending before the Court.

5. An updated third Declaration from Gregory T. Smith is attached hereto as *Exhibit A* in order to advise the Court of the status of all the non-Federal claims pending against the Village related to the case pending before the Court.

6. Since the Reply was filed, ten (10) additional administrative review appeals of Fox Point administrative adjudications have been filed in the Circuit Court of Cook County. *Exhibit A*, ¶ 9.

7. Further, there are nine (9) perfected charges of discrimination pending against the Village in the Illinois Department of Human Rights related to the Village's Municipal Code compliance efforts at Fox Point, and an additional four (4) unperfected charges have been docketed by the Illinois Department of Human Rights. *Exhibit A*, ¶¶ 12 and 13.

8. Plaintiffs' additional claims, both on administrative review and before the Illinois Department of Human Rights, are further evidence in support of the Village's Motion to Stay, for the reasons set forth in the Motion and Reply.

WHEREFORE, the Defendant Village of Wheeling respectfully requests that the Court consider the enclosed Declaration when ruling on the Village's Motion to Stay, and for any other relief deemed fair and just.

Respectfully submitted,
VILLAGE OF WHEELING

/s/ Gregory T. Smith
One of Its Attorneys

James V. Ferolo (jvferolo@ktjlaw.com)
Jason A. Guisinger (jaguisinger@ktjlaw.com)
Gregory T. Smith (gtsmith@ktjlaw.com)
Klein, Thorpe and Jenkins, Ltd.
20 N. Wacker Dr., Suite 1660
Chicago, Illinois 60606
(312) 984-6400

EXHIBIT A
DECLARATION OF GREGORY T. SMITH